

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would on Monday, February 16, 1987, at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

**BIRTHDAY GREETINGS EXTENDED
TO SENATOR ZAFFIRINI**

The Senate noted that Senator Zaffirini would celebrate her birthday tomorrow and extended greetings to her for that occasion.

CONGRATULATORY RESOLUTIONS

H.C.R. 14 - (Lyon): Extending congratulations to Don Chaney on being named Broadcaster of the Year.

H.C.R. 16 - (Lyon): Recognizing Willis and Quinctella Griffin of Lindale.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:05 a.m. adjourned until 11:00 a.m. Monday, February 16, 1987.

APPENDIX

Sent to Governor
(February 12, 1987)

S.C.R. 30

SIGNED BY GOVERNOR

(February 12, 1987)

S.C.R. 30

H.C.R. 21

FOURTEENTH DAY

(Monday, February 16, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santicsteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Harris, Sarpalius.

A quorum was announced present.

The Reverend James T. Bethel of St. David's Episcopal Church, Austin, offered the invocation as follows:

O God, the fountain of all knowledge, whose will is good and gracious, and whose law is truth. Send down upon the members of this Senate, the members of the House of Representatives, and William, our Governor, the spirit of wisdom, charity, and justice. Direct them in their efforts to establish a budget for our State which will provide for the needs of all the people.

And Father, we remember that for our sake, Your Son, Jesus, was condemned as a criminal under the rule of Pontius Pilate: Guide these senators in their deliberations concerning the urgent needs facing our State prison system.

All this we ask in Your name, Lord, our merciful and righteous Judge. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 12, 1987, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Sarpalius was granted leave of absence for today on account of illness on motion of Senator Glasgow.

Senator Harris was granted leave of absence for today on account of important business on motion of Senator Henderson.

REPORT OF STANDING COMMITTEE

Senator Glasgow, Vice-Chairman, submitted the following report for the Committee on Economic Development:

S.B. 318

S.B. 357

C.S.S.B. 297

C.S.S.B. 95

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.C.R. 36 by Barrientos Jurisprudence
Granting Irene E. Little permission to sue the State of Texas and the Texas Department of Mental Health and Mental Retardation.

S.C.R. 37 by Santiesteban Jurisprudence
Granting Hal C. Mumme, Dennis G. Doornbos, Michael C. Matthews, Steve Wright, and Don W. Davis permission to sue the State of Texas and The University of Texas System.

S.J.R. 17 by Farabee State Affairs
Proposing a constitutional amendment permitting the legislature to include members of more than one department of state government in the membership of an agency or committee.

S.B. 376 by Edwards Education
Relating to the formation, operation, and financing of upper level community college districts.

S.B. 377 by Brooks Health and Human Services
Relating to limiting cancer reporting activities to specified geographical areas of the state.

S.B. 378 by McFarland Criminal Justice
Relating to requiring a county to submit a copy of a victim impact statement, if applicable, to the Texas Department of Corrections on transfer of an inmate to the department.

S.B. 379 by Jones Finance
Relating to the requirement of a performance bond for certain collectors of ad valorem taxes.

S.B. 380 by Jones Finance
Relating to the time for filing an application for a residence homestead exemption from ad valorem taxation.

- S.B. 381** by Lyon Intergovernmental Relations
Relating to the right of a fire fighter or police officer to appeal to a hearing examiner regarding a fire or police department decision for which an appeal is provided.
- S.B. 382** by Edwards Jurisprudence
Relating to solicitations made in the name of law enforcement or public safety personnel; providing penalties.
- S.B. 383** by Edwards State Affairs
Relating to an increase in benefits for certain annuitants of the Teacher Retirement System of Texas.
- S.B. 384** by Barrientos Health and Human Services
Relating to services provided by podiatrists under the Disabled Children's Services Act.
- S.B. 385** by Barrientos Health and Human Services
Relating to birth and death records.
- S.B. 386** by Krier Jurisprudence
Relating to court costs imposed to finance a county's alternate dispute resolution system.
- S.B. 387** by Brooks Jurisprudence
Relating to a continuing education requirement for certain clerks.
- S.B. 388** by Washington Education
Relating to corporal punishment in public schools.
- S.B. 389** by Washington Intergovernmental Relations
Relating to the transfer of firemen within the fire department in certain cities.
- S.B. 390** by Krier Jurisprudence
Relating to child abuse reports by school districts.
- S.B. 391** by Santiesteban, Uribe Education
Relating to the tuition at public senior colleges and universities for certain citizens of Mexico.
- S.B. 392** by Santiesteban, Uribe Education
Relating to the establishment of a scholarship program for eligible citizens of Mexico and Central America.
- S.B. 393** by Santiesteban, Uribe, Caperton Education
Relating to tuition rates for residents of bordering nations.
- S.B. 394** by Barrientos Economic Development
Relating to the regulation of certain personnel employment services.
- S.B. 395** by Barrientos Intergovernmental Relations
Relating to a general-law city having the power to unilaterally annex the entire portion of a water or sewer district that is outside the city's boundaries.
- S.B. 396** by Brooks Health and Human Services
Relating to powers and duties of the State Rural Medical Education Board and to loans administered by the board.
- S.B. 397** by Blake Economic Development
Relating to the licensing and regulation of certain insurance agents.
- S.B. 398** by Glasgow Economic Development
Relating to the definition of health care provider for purposes of professional liability insurance coverage.

- S.B. 399** by Glasgow Jurisprudence
Relating to exempting certain personal property from seizure for the satisfaction of debts.
- S.B. 400** by Glasgow Intergovernmental Relations
Relating to the supplemental compensation paid to district judges in Stephens County and Young County.
- S.B. 401** by Glasgow Intergovernmental Relations
Relating to the terms of court of the 90th District Court.
- S.B. 402** by Glasgow Intergovernmental Relations
Relating to the creation, administration, powers, duties, operations, financing, bond and taxing authority, eminent domain power, and dissolution of Lakeview Road Utility District.
- S.B. 403** by Glasgow Economic Development
Relating to sanctions that may be ordered by the State Board of Insurance.
- S.B. 404** by Glasgow Jurisprudence
Relating to a continuing education requirement for certain clerks.
- S.B. 405** by Glasgow Health and Human Services
Relating to the use of certain pharmaceutical agents by licensed optometrists.
- S.B. 406** by Santiesteban Intergovernmental Relations
Relating to county change funds.

CO-AUTHORS OF SENATE BILL 13

On motion of Senator Brown and by unanimous consent, Senators Lyon and Truan will be shown as Co-authors of **S.B. 13**.

GUESTS PRESENTED

Senator Krier was recognized and introduced Dr. David Katerndahl of San Antonio, the Capitol Physician for the Day.

Dr. Katerndahl, accompanied by Dr. Lucy Wong, was welcomed by the Senate and received an expression of its appreciation.

SENATE RESOLUTION 65

Senator Uribe offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to honor one of its brightest young stars, Judith Zaffirini, as she celebrates her birthday on February 13, 1987; and

WHEREAS, Her dynamism and enthusiasm were channelled into political activism at an early age; a former vice-chair of the Texas Democratic Party, she served with great distinction on the Democratic National Committee and the State Democratic Executive Committee; and

WHEREAS, Elected in 1986, she represents the sprawling and diverse 21st Senatorial District which stretches from Comal County to the north to Starr County to the south; included within the district are eight of the poorest counties in the State as well as the progressive, rapidly developing area of San Antonio-New Braunfels-Seguin; and

WHEREAS, Sensitive to the needs of her 20-county district, she will knowledgeably address the issues of chronic unemployment, job training, and economic development as a member of the Intergovernmental Relations and Natural Resources committees; and

WHEREAS, An ardent champion of our state's mentally ill, mentally retarded, and senior citizens and having served with distinction on the national "Project on the Welfare of Families" with Arizona Governor Bruce Babbitt and former Secretary of Health, Education and Welfare Arthur Fleming in 1986, she will be a definite asset to the Health and Human Services Committee; and

WHEREAS, Having received her doctorate in communications as well as her master's degree in speech and education and her bachelor of science degree in education from The University of Texas while maintaining a 3.9 grade point average, Senator Zaffirini is a communications specialist with 13 years of teaching and will bring fresh insights and new perceptions to Senate deliberations on the problems facing our educational system; and

WHEREAS, Armed with a mastery of rules and parliamentary procedure, which is crucial to legislative success, Senator Zaffirini is destined to be a standout freshman member during the 1987 session; and

WHEREAS, Throughout her career, Senator Zaffirini has been strengthened by the love and support of her husband of 22 years, Carlos M. Zaffirini, and four-year-old son, Carlos, Jr.; and

WHEREAS, Tireless in her efforts on behalf of others, she donates her time and talents to numerous civic, religious, and philanthropic organizations, including the Boys Club of Laredo, Charter Rio Grande Hospital Advisory Board, and the Wilson County Farm Bureau; and

WHEREAS, The first Mexican-American woman to serve in the Texas Senate, she has been the recipient of countless awards and honors throughout her career; listed in World Who's Who of Women, Who's Who in American Politics, Personalities of America, and Who's Who in Texas, she was named one of the most influential Hispanics in the nation in 1986 by Hispanic Business magazine; honored by the San Antonio Mexican American Bar Association for Outstanding Service to the Hispanic Community in December, 1986, she was the Texas Mexican American Women's Political Caucus 1981 Woman of the Year and the Texas Press Women's 1980 Woman of Achievement; and

WHEREAS, The grand occasion of this most distinguished lady's birthday is a pleasurable one and most worthy of legislative recognition; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby extend sincere birthday greetings with many happy returns to Senator Judith Zaffirini; and, be it further

RESOLVED, That a copy of this resolution be prepared for her as an expression of high esteem and regard from the Texas Senate.

URIBE
TEJEDA
TRUAN

The resolution was read and was adopted viva voce vote.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolutions:

S.C.R. 16
S.C.R. 19

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the Executive appointments to agencies, boards and commissions. Notice of submission of these

names for consideration was given on Thursday, February 12, 1987, by Senator Edwards.

Senator Edwards moved confirmation of the nominees reported on Wednesday, February 11, 1987, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

There were no requests offered.

NOMINEES CONFIRMED

The following nominees as reported by the Committee on Nominations were confirmed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

Member, Board of Trustees, Employees Retirement System of Texas (Appointed by Supreme Court of Texas): JACK D. KYLE, Walker County.

Member, Texas Board of Architectural Examiners: MRS. ANNE P. DICKSON, Dallas County.

Member, Battleship Texas Advisory Board: MRS. MARY CATHERINE BURKE, Harris County.

Member, Texas World Trade Council: STEVEN A. BEEDE, Harris County.

Members, Board of Directors, Upper Guadalupe River Authority: RICHARD G. EASTLAND, Kerr County; DR. R. H. HOLEKAMP, Kerr County; H. RITMAN "RIT" JONS, Kerr County.

Member, Texas Commission for the Deaf: MS. TEXANA FAULK CONN, Travis County.

HOUSE CONCURRENT RESOLUTION 52 ON SECOND READING

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading:

H.C.R. 52, Directing the Board of Pardons and Paroles to accelerate its expenditure for placements in the halfway house program.

The resolution was read second time and was adopted viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 63 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 63, Relating to the composition and appointment of the port commission and navigation board of the Port of Houston Authority of Harris County.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 63 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Harris, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

SENATE BILL 113 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 113, Relating to the jurisdiction of the county and district court in Eastland County.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 113 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 113 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Harris, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

SENATE BILL 151 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 151, Relating to the authority of courts of appeals to issue writs of mandamus.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 151 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 151 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Harris, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

**COMMITTEE SUBSTITUTE
SENATE BILL 13 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 13, Relating to exemptions from fishing licenses.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 13 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 13** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Harris, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

SENATE BILL 180 ON SECOND READING

On motion of Senator Lyon, on behalf of Senator Sarpalius, and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 180, Relating to counties in which wild elk are considered game animals.

The bill was read second time.

Senator Lyon offered the following amendment to the bill:

Amend **S.B. 180** by adding the following:

(a) The following animals are game animals: mule ~~[wild]~~ deer, white-tailed deer, pronghorn ~~[wild]~~ antelope, ~~[wild]~~ desert bighorn sheep, ~~[wild black bear, wild]~~ gray or cat squirrels, ~~[wild]~~ fox squirrels or red squirrels, and collared peccary or javelina.

The amendment was read and was adopted viva voce vote.

On motion of Senator Lyon, on behalf of Senator Sarpalius, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 180 ON THIRD READING

Senator Lyon, on behalf of Senator Sarpalius, moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 180** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Harris, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

**SENATE CONCURRENT RESOLUTION 23
ON SECOND READING**

On motion of Senator Lyon, on behalf of Senator Sarpalius, and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading:

S.C.R. 23, Requesting the governor to take certain action in the event of a natural or man-made disaster affecting large numbers of livestock.

The resolution was read second time and was adopted viva voce vote.

**SENATE CONCURRENT RESOLUTION 32
ON SECOND READING**

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading:

S.C.R. 32, Memorializing Congress to amend the tax laws of the United States to exempt governmental retirement plans and their participants from the provisions of the Tax Reform Act of 1986.

The resolution was read second time and was adopted viva voce vote.

RECORD OF VOTE

Senator Parker asked to be recorded as voting "Nay" on the adoption of the resolution.

SENATE BILL 259 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 259, Relating to the investment of certain funds by the Texas Water Development Board.

The bill was read second time.

Senator Montford offered the following committee amendment to the bill:

Amend Section 2 of **S.B. 259** by changing 17.083 (3) and (4) to read as follows:

(3) obligations [~~bonds~~] of the State of Texas; and

(4) obligations [~~bonds~~] of counties, cities, and other political subdivisions of any [~~the~~] state, except bonds issued by a political subdivision to finance a project or treatment works described in this chapter.

The amendment was read.

Senator Montford offered the following amendment to the pending committee amendment:

Amend the committee amendment by changing 17.083 (4) to read as follows:

(4) obligations [~~bonds~~] of counties, cities, and other political subdivisions of any [~~the~~] state of the United States, except bonds issued by a political subdivision to finance a project or treatment works described in this chapter.

The amendment to the committee amendment was read and was adopted viva voce vote.

The committee amendment as amended was adopted viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

SENATE BILL 259 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 259 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Harris, Sarpalius.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Harris, Sarpalius.

MEMORIAL RESOLUTIONS

S.C.R. 38 - By Zaffirini: Memorial resolution for Mrs. Laura Castillo.

S.C.R. 39 - By Zaffirini: Memorial resolution for Richard Javier Guajardo.

S.R. 60 - By Brooks: Memorial resolution for Captain Albert F. Schurig, Sr.

S.R. 61 - By Armbrister: Memorial resolution for Mrs. Mary Cosmas Constant.

S.R. 67 - By Glasgow: Memorial resolution for Cecil Odis Dalton.

S.R. 69 - By Glasgow: Memorial resolution for Robert M. "Bobby" Fox.

S.R. 71 - By Glasgow: Memorial resolution for Arthur Gayle Hilley.

S.R. 72 - By Glasgow: Memorial resolution for Ray Smyth.

S.R. 73 - By Glasgow: Memorial resolution for James Audrey Rankin.

S.R. 74 - By Glasgow: Memorial resolution for Carl Julius Olson.

S.R. 75 - By Glasgow: Memorial resolution for Dr. Susan Hedberg Gabel.

S.R. 76 - By Glasgow: Memorial resolution for Troy Earl "Papa Troy" Everidge.

CONGRATULATORY RESOLUTIONS

H.C.R. 39 - (Parker): Honoring Austin W. "Goose" Gonsoulin.

H.C.R. 48 - (Johnson): Declaring February 17, 1987, as Susan B. Anthony Day in Texas.

S.C.R. 35 - By Leedom: Acknowledging the 42nd anniversary of the struggle for unity, freedom, and democracy by the City of Berlin and expressing support for the eventual realization by Berliners of these fundamental aspirations.

S.R. 62 - By Armbrister: Extending congratulations to Mr. and Mrs. Joe R. Custer.

S.R. 63 - By McFarland: Proclaiming March 8 through 14, 1987, as American Association of University Women Week in Austin, Texas.

S.R. 64 - By Brooks: Commending the Youth Advisory Mainland Branch of the National Association for the Advancement of Colored People.

S.R. 66 - By Glasgow: Extending congratulations to Sandra Carol Jackson and Terrance Neal O'Connell.

S.R. 68 - By Glasgow: Commending Raymond E. Curtis.

S.R. 70 - By Glasgow: Extending congratulations to Chuck DeHaan for being named the Texas State Artist.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:44 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Sent to Governor
(February 16, 1987)

S.C.R. 16
S.C.R. 19

FIFTEENTH DAY

(Tuesday, February 17, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Sarpalius.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Almighty Father, help each of us this day to love and accept others as You accept us—imperfections and all.